

With regard to the proven use of the proposed technologies in other communities, Ms. Brown explained that these technologies have been used successfully in nearby locales, including Nassau and Suffolk Counties, as well as in large and small communities across the country and around the world. These treatment techniques, used both individually and in combination, have been effectively used to remove VOC's since the early 1980's.

A summary of other comments and questions is provided below:

- The estimated cost of the project is \$50 million, which includes costs related to the pilot testing program.
- Following completion of construction of the treatment plant at Station 6, potable water production will begin and water from the plant blended with upstate water and distributed throughout Southeast Queens.
- Contamination is defined as anything that finds its way into groundwater and makes it unfit for its intended use.
- Consideration is also being given to storing excess reservoir water in the aquifers to provide local supplies during periods of peak usage and emergencies, including drought. This water would be stored in the lower aquifers to safeguard it from contamination and to assure that it retains its purity.

Groundwater Flooding

Meeting participants noted that elimination of groundwater flooding is practical, logical and long overdue and expressed hope that engineering plans would provide the intended relief. However, many expressed a preference for using the groundwater for a use other than drinking. Several persons emphasized the need to evaluate alternative uses, preferably industrial, even if this would involve development of new technology.

Several persons reported flooding conditions, particularly during or after a heavy rain. Specific locations cited included 110th Avenue, between 176th and 178th Streets, and the basement of the 300-unit Allen Senior Citizens housing complex. One person also noted that entrances to local homes are often flooded during rain events, as a result of street repaving.

With respect to groundwater flooding, the Commissioner pointed out that area facilities, including the Archer Avenue Subway Station, schools and housing complexes, are pumping millions of gallons of water a day from deep basements and garages. This is needed to control flooding resulting from the rise in water tables following the reduction in pumping from the former JWS wells.

West Side Corporation Site

A number of questions and comments were asked relating to current conditions at the WSC site, cleanup of the site and associated health concerns. Meeting participants were very pleased that the site and groundwater will finally be cleaned up but noted that the effort is long overdue.

In response to a number of questions, Andrew English, NYSDEC, indicated that cleanup of the site is receiving priority funding. He reiterated that while NYSDEC will have primary responsibility for this activity, it will be a cooperative effort with the City. He added that, although State Superfund monies have all been obligated, the agency has available funding to complete the investigation and design of the remedial action. Mr. English also explained that the Superfund is being reauthorized and that NYSDEC expects funds to be available when

construction begins. In response to additional questions, he reported the cost estimates for the work to be about \$4.5 million for on-site cleanup and \$1 million to build the off-site treatment facility. An additional \$3 million is estimated to operate the system for 10 years. He reassured the community that NYSDEC is working closely with NYCDEP to ensure that contamination from the site is not drawn further into the community. NYSDEC's proposed plan for cleaning up the site will be presented at a public meeting at St. Benedict the Moor Church on December 13th at 7:00 p.m. Notices for the meeting, which is being jointly sponsored by NYSDEC and NYSDOH, will be mailed this week.

In final comments, it was reiterated that NYCDEP's offer to clean up groundwater at the WSC site will not only assist but actually expedite NYSDEC's total cleanup effort. By working closely, openly and collaboratively, the two agencies expect to successfully realize BQA project goals and provide the community with accurate and consistent information about these and related multi-jurisdictional projects.

The following additional details about the WSC site and Station 24 activities were provided in response to questions raised by meeting attendees:

- The closing of wells at Station 24 in the early 1980's involved sealing them with concrete.
- Migration of the groundwater contamination plume from the WSC site has been confirmed by recent testing conducted by NYSDEC. It has moved, generally in a south-west direction. NYCDEP will continue to monitor the size and movement of the plume as part of its participation in the cleanup program.
- Results of testing by NYSDEC indicate that contamination at WSC is limited to soils below the surface and groundwater.
- Persons walking on and school buses operating from the WSC site are not being exposed to contaminants.
- NYSDEC is responsible for remediating the WSC site and expects to begin soil cleanup in approximately two years.
- A list of known contaminated sites in the Jamaica area is available from NYSDEC. Major sites include the TA Bus Depot and an Amoco Gas Station. The schedule for pumping at Station 6 is being coordinated with the TA's remediation schedule, to ensure successful implementation of both projects. Cleanup of the Amoco Station, where the principal contaminant is MTBE, is ongoing.
- Existing, state-of-the-art technologies can effectively treat all contaminants that have been identified, and regulations now require that groundwater systems develop a wellhead protection program, to ensure against future groundwater contamination.
- Remediation at the WSC site will require both on-site groundwater and soil cleanup and off-site groundwater cleanup. Final discussions are underway between NYCDEP and NYSDEC to authorize the City to undertake the off-site groundwater portion of this effort.

Additional issues and concerns are summarized below:

- Concern about the effectiveness of the groundwater cleanup process and the length of time that will be required for this operation.
- Comment that the bus company should be removed from the site in order to properly clean up the area.

- Comment that the WSC site should be cleaned up before any pumping, even for testing purposes, occurs at Station 6.
- Concern about soil erosion at the site and the impact of contamination on groundwater.
- Concern that PCE contamination is not limited to the WSC site.

Public Outreach

Most meeting attendees were very pleased with the overall process and appreciated the meeting and the “super” educational materials provided to the community. In general, residents requested to be kept informed of the status of the overall project, as well as future public meetings. Specific suggestions for continuing to reach the community included:

- publicizing meetings in newspapers (Daily News, Newsday) and on radio stations (WBAI, CD101.9, WBLS, WRCD)
- distributing meeting notices to churches and civic organizations
- distributing monthly project reports to TV stations and newspapers

With regard to health issues and related concerns, several persons stressed the need to inform the community of the health effects of PCE and other contaminants and to educate residents about actions to be taken at home to avoid putting toxics in the drinking water supply. Some persons suggested conducting an informational series or community workshops on health issues and distributing informational materials to residents and community agencies.

In response to a comment that many persons had not been informed of the meeting, Commissioner Miele indicated that ads had been placed in local newspapers and notifications provided to elected officials and community organizations. He also noted that the project team was pleased with the turnout and stressed that there would be many more meetings for the public to participate in throughout the project.

As a follow-up to other questions, Ms. Neuhaus explained that a Report of tonight’s meeting, including a summary of the discussion session and issues and requests requiring follow-up, will be prepared and distributed to all meeting participants. She indicated that the next Public Meeting, which will principally focus on Station 6 pilot testing, will be scheduled in approximately six months. An updated Fact Sheet will be distributed prior to that time. Ms. Neuhaus added that the CAC will be established shortly, noting that it is anticipated that the Committee will hold its initial meeting in late January 2002.

Other

A number of questions and comments were raised relating to health issues and the security of the City’s water supply system. Several persons expressed concern about the number of residents in the community who are suffering from or have died of cancer and voiced their opinion that there is a direct correlation between conditions at the WSC site and the community’s health.

Numerous persons stressed the need for completion of NYSDOH’s Cancer Incidence Study and communication of its findings to the community as soon as possible. Mr. Knudsen reported that the Study data has been collected and that the Report should be released early next year. He added that preliminary information will be presented at NYSDEC’s December 13th meeting, if available. [NOTE: At the December 13th meeting, NYSDOH announced that results of the

Cancer Incidence Study will be presented at a meeting at St. Benedict the Moor Church on Monday, January 7, 2002, at 7:00 P.M.]

In a response to a related comment, which cited a January 2000 newspaper article indicating that Southeast Queens has the highest rate of cancer in the country, Mr. Knudsen explained that cancer maps focus on a large area. However, NYSDOH's Cancer Incidence Study is being conducted specifically for this community. After noting that cancer is actually many different diseases, Mr. Knudsen further explained that standard methodology focuses on statistical analysis to determine if higher-than-expected levels of a number of different types of cancer appear in a given area.

Responding to a question regarding the status of security at Station 6 and other water supply facilities, Deputy Commissioner Greeley reported that within the last two years, NYCDEP has begun an aggressive program to upgrade security at its upstate and downstate water supply facilities. Measures already implemented or being planned include increased security patrols; installation of advanced security equipment, including special-keyed locks, telemetry to link facilities with a central security headquarters and installation of security cameras; and initiation of a facilities vulnerability study.

Other comments related to security included:

- Concern about whether a specific incident triggered stationing a guard at the water plant on 224th Street and 114th Avenue.
- Comment that surveillance cameras need to be monitored and film replaced on a regular basis.
- Suggestion that NYCDEP dispatch enforcement crews, with visibility similar to that of the Sanitation Police, to monitor spillage of contaminated fluids and materials. The need to patrol commercial districts and car washes was specifically noted.

A summary of non-project-specific issues, comments and concerns is provided below:

- In response to a remark that it is difficult for residents to discuss complaints and other issues with NYCDEP, Commissioner Miele urged meeting participants to call the Department's Help Line (718-DEP-HELP), contact the local Community Board or write to him with any problems. Commissioner Miele assured residents that they will receive a response.
- In response to a question, Commissioner Miele explained that Con Edison's reading of water meters will result in savings of time and money for NYCDEP. He explained that Con Edison reads its meters every month and will read water meters every three months (as is presently done by NYCDEP). If a reading is not consistent with a previous reading, NYCDEP will ask Con Edison to reread the meter the following month.
- Suggestion to use groundwater to provide residents of Southeast Queens with an Olympic-size swimming pool (to be located in Baisley Pond Park, along 150th Street and North Conduit Avenue). It was noted that although there are a number of major hotels in the area, the community has no reasonably sized pool.
- Commenting on an earlier project (conducted by the M.W. Kellogg Company) that used desalination and purification technologies to convert raw sewage to pure grade drinking water, one person asked if similar methods are being considered in case of drought or for commercial processes. Mr. Cohen noted that although these technologies provide a good

environmental reuse of water (often to replenish ponds or other water bodies), the current study will not examine potential re-use of discharge from sewage treatment plants.

- Concern about the impact of closed cesspools and residential use of insecticides and pesticides on soil and groundwater contamination in the area.
- Comment that all hazardous waste sites in the area targeted by the BQA Project need to be inspected.
- Concern about the large number of dumpsites ('transfer stations') in the area and their impact on groundwater. It was noted that southeast Queens houses five (5) of the seven (7) stations in the Borough.
- In response to a question, Commissioner Miele indicated that the upcoming change in City administration will not jeopardize the project's ability to move forward. He added that NYCDEP personnel currently involved in the project will remain and that project funding is secure.

Queens Chronicle

November 15, 2001

PUBLIC INFORMATION MEETING

Brooklyn-Queens Aquifer Feasibility Study

DATE: Tuesday, November 27, 2001 ~
TIME: 7:00 pm
LOCATION: York College
Academic Core Building - Room 3D01
94-20 Guy Brewer Boulevard
(between Liberty and Archer Avenues,
across from parking lot)
Jamaica, NY

The New York City Department of Environmental Protection (DEP) invites you to participate in a Public Information Meeting on the "Brooklyn-Queens Aquifer Feasibility Study." This project is designed to investigate using groundwater from aquifers (thick layers of soil through which groundwater moves) to supplement the City's drinking water supply and reduce flooding in Southeast Queens.

The meeting will include a presentation on the background and scope of the overall study; the status of current work at the Station 6 site, which is located at 110th Avenue and 164th Place; and a summary of the project's community outreach program. The presentation will also include a review of DEP's efforts, in cooperation with the New York State Department of Environmental Conservation, to clean up groundwater at the West Side Corporation Site, an inactive hazardous waste site located on 180th Street in Jamaica. A question and discussion session will follow.

DEP encourages your participation at this meeting and welcomes your input. For additional information, please contact Helen Neuhaus at (212) 532-4175.

Ad also appeared in:

Jamaica Times (11/21/01)
Laurelton Times (11/21/01)
Leader-Observer (11/15/01)
Newsday (11/15/01)

Southeast Queens Courier (11/15/01)
The New Voice of New York (11/15/01)
Queens Tribune (11/15/01)
Queens Village Times (11/21/01)



DEPARTMENT OF ENVIRONMENTAL PROTECTION

EXECUTIVE OFFICES

59-17 JUNCTION BLVD., 19TH FLOOR, CORONA, NEW YORK 11368-5107

JOEL A. MIELE, SR., P.E., COMMISSIONER

(718) 595-6565 FAX: (718) 595-3525

PUBLIC INFORMATION MEETING

Brooklyn-Queens Aquifer Feasibility Study

The New York City Department of Environmental Protection (DEP) invites you to participate in a Public Information Meeting on the "Brooklyn-Queens Aquifer Feasibility Study." This meeting will include presentations on DEP's recently initiated project to:

- Investigate the use of groundwater from aquifers (thick layers of soil through which groundwater moves) to supplement the City's drinking water supply system;
- reduce groundwater flooding in Southeastern Queens; and
- cooperate with the New York State Department of Environmental Conservation to clean up contamination at the West Side Corporation Site, an inactive hazardous waste site located on 180th Street in Jamaica.

The meeting will be held:

DATE: Tuesday, November 27, 2001

TIME: 7:00 P.M.

LOCATION: York College
Academic Core Building – Room 3D01
94-20 Guy Brewer Boulevard (between Liberty and Archer
Avenues, across from parking lot)
Jamaica, NY

The presentation will also provide information about the background, scope and status of the overall study and a summary of the project's community outreach program. A question and discussion session will follow.

We hope to see you on November 27th. For additional information, please contact Mark Lanaghan at (718) 595-3519.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

EXECUTIVE OFFICES

59-17 JUNCTION BLVD., 19TH FLOOR, CORONA, NEW YORK 11368-5107

JOEL A. MIELE, SR., P.E., COMMISSIONER

(718) 595-6565 FAX: (718) 595-3525

BROOKLYN-QUEENS AQUIFER FEASIBILITY STUDY

PUBLIC INFORMATION MEETING

Tuesday, November 27, 2001

7:00 P.M.

York College

94-20 Guy Brewer Boulevard

Jamaica, NY

AGENDA

Welcoming Remarks

Helen Neuhaus
Community Outreach Coordinator
Helen Neuhaus & Associates Inc.

Introductory Remarks

Joel A. Miele, Sr., P.E.
Commissioner
New York City Department of Environmental Protection

Douglas Greeley, P.E.
Deputy Commissioner
Bureau of Water and Sewer Operations
New York City Department of Environmental Protection

Public Participation Program

Helen Neuhaus

Technical Presentation

Donald Cohen
Project Manager
Malcolm Pirnie, Inc.

Nicole E. Brown
Engineer
Malcolm Pirnie, Inc.

Questions and Discussion

EXHIBIT 6

985FCIT1 Trial
1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x
3 THE CITY OF NEW YORK, et al,

4 Plaintiffs,

5 -v-

04 CV 3417

6 EXXON MOBIL CORPORATION, et al,
7 Defendants.

7 -----x

New York, N.Y.

8 August 5, 2009

9 10:10 a.m.

10 Before:

11 HON. SHIRA A. SCHEINDLIN,

12 District Judge

12 APPEARANCES

13
14 MICHAEL A. CARDOZO
14 Corporation Counsel of the City of New York
15 Attorneys for City Plaintiffs
15 BY SUSAN E. AMRON

16
16 SHER LEFF LLP
17 BY: VICTOR M. SHER
17 JOSHUA STEIN

18
18 GREENBERG GLUSKER
19 Attorneys for Plaintiffs
19 BY: ROBERT S. CHAPMAN

20
20 MCDERMOTT, WILL & EMERY
21 Attorneys for Defendant Exxon Mobil
21 BY: PETER JOHN SACRIPANTI
22 JAMES PARDO
22 WILLIAM STACK
23 JENNIFER KALNINS TEMPLE
23 ANTHONY BONGIORNO

24
25 SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

9857CIT4 Yulinsky - direct

1 A. I think the letter indicates it was about \$1.8 million.

2 Q. Was part of the plan for the development of Station 6 a
3 community outreach program?

4 A. Yes.

5 Q. Were you involved in discussions concerning the community
6 outreach for Station 6?

7 A. Yes, I was.

8 Q. What were the reasons for that community outreach program?

9 A. Because Jamaica Water Supply provided water or drinking
10 water that met all the federal and state standards, but there
11 were concerns by customers of overall quality, and the customer
12 base wanted upstate -- the good, clean, upstate water. And
13 when the City took over Jamaica and realized it wanted to
14 utilize this resource, we realized that we had to -- for people
15 who were disenchanted with the Jamaica Water Supply quality of
16 water, now getting the upstate water, we had to show them that
17 the ground water is safe to drink, that we can provide them
18 from the ground good quality -- excellent quality drinking
19 water.

20 So, we realized that in order to move forward with the
21 Station 6 we had to reach out to the community at large,
22 especially around the Station 6 project where we were going to
23 be building the facility, to bring them on board, to get their
24 buy and to gain their trust.

25 Q. Did you attend any of the meetings with the community for

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

985FCIT5

Yulinsky - cross

- 1 Q. And Ms. Neuhaus of the public outreach firm would hold
2 these meetings?
3 A. She would be the MC, so to speak.
4 Q. She would be the MC?
5 A. Yes.
6 Q. She would take the minutes at the meeting?
7 A. She would.
8 Q. She would type up the minutes?
9 A. Her staff, yes.
10 Q. She would have people from her staff?
11 A. Yes.
12 Q. I think you testified that you were there at these
13 meetings?
14 A. Yes.
15 Q. And at the bottom of page 2, if we can go there, there's a
16 statement, well, let's go to the bottom of page 2, if we can,
17 and you'll see it on the screen if you have it. "Deputy
18 Commissioner Greeley stressed that if NYC DEP is not able to
19 demonstrate to the community that the groundwater can be
20 treated satisfactorily, it will not be introduced into the
21 City's drinking water supply."
22 Do you agree weight that?
23 A. If that's what that deputy commissioner said.
24 Q. You were there. Do you remember if that's what the deputy
25 commissioner said?

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300